

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA

4 v.

17 Cr. 421 (GHW)

5 SADDAM MOHAMED RAISHANI,

Arraignment

6 Defendant.

7 -----x
8 New York, N.Y.
9 September 14, 2017
1:05 p.m.

10 Before:

11 HON. GREGORY H. WOODS

12 District Judge

13
14
15 APPEARANCES

16 JOON H. KIM

17 Acting United States Attorney for the
Southern District of New York

18 SIDHARDHA KAMARAJU

GEORGE D. TURNER

19 Assistant United States Attorneys

20 FEDERAL DEFENDERS OF NEW YORK, INC.

21 Attorneys for Defendant

22 BY: SARAH BAUMGARTEL

SABRINA SHROFF

1 (Case called)

2 THE CLERK: Counsel, please state your names for the
3 record.

4 MR. TURNER: Good afternoon, your Honor. George
5 Turner and Sid Kamaraju for the government.

6 THE COURT: Good afternoon.

7 MS. SHROFF: Good afternoon, your Honor. For Mr.
8 Raishani, who is seated to my left, Federal Defenders of New
9 York, by Sabrina Shroff and Sarah Baumgartel. Also present in
10 court are Mr. Raishani's family members.

11 THE COURT: Thank you for being here.

12 Mr. Raishani, you were previously named in a one-count
13 indictment that was numbered 17 Cr. 421. You were arraigned on
14 that charge before Judge Peck on July 21, 2017. You have now
15 been named in a three-count superseding indictment that is
16 numbered S1 17 Cr. 421.

17 The purpose of this proceeding is threefold: first, to
18 make sure that you have a copy of that superseding indictment;
19 second, to inform you of the charges against you; and third, to
20 take your plea.

21 Mr. Raishani, let me first ask, do you understand
22 what's happening in this proceeding today?

23 THE DEFENDANT: I do.

24 THE COURT: Mr. Raishani, have you seen a copy of the
25 superseding indictment?

1 THE DEFENDANT: Yes.

2 THE COURT: Ms. Shroff, have you had the opportunity
3 to review the superseding indictment and to discuss it with Mr.
4 Raishani?

5 MS. SHROFF: I have done so, your Honor.

6 THE COURT: Can I turn to either Mr. Turner or Mr.
7 Kamaraju to summarize the charges on which the defendant is
8 being arraigned today.

9 MR. TURNER: Yes, your Honor. As the Court mentioned,
10 the superseding indictment adds two counts to the original
11 indictment, Counts Two and Three. Both Counts Two and Three
12 charge the defendant with violations under 18 U.S.C. 2339B,
13 which criminalizes the provision of material support or
14 resources to a designated foreign terrorist organization, in
15 this case ISIS.

16 Specifically in this case, your Honor, Count Two
17 charges the defendant with conspiring to provide material
18 support or resources to ISIS and Count Three charges the
19 defendant with providing, attempting to provide, and aiding and
20 abetting provision of material support or resources to ISIS.
21 Both of those counts are based on the defendant's alleged
22 facilitation of another individual's travel abroad to join and
23 fight for ISIS. That individual is referred to as CC1 in the
24 superseding indictment.

25 THE COURT: Thank you very much.

1 Mr. Raishani, you have the right to have me to read
2 the indictment to you loud on the record here now. You can
3 also waive that right. I would be happy to read the indictment
4 to you if you would like. Would you like me to read the
5 indictment to you on the record?

6 THE DEFENDANT: No.

7 THE COURT: Counsel, do you waive formal reading of
8 the indictment?

9 MS. SHROFF: We do, your Honor.

10 THE COURT: Mr. Raishani, can I ask to please stand.
11 Mr. Raishani, do you understand what it is that you have been
12 charged with?

13 THE DEFENDANT: Yes.

14 THE COURT: Count One charges that from at least in or
15 about January 2017 up to and including in or about June 2017
16 you knowingly and intentionally did attempt to provide
17 "material support or resources" as that term is defined in 18
18 U.S.C. section 2339A(b), including personnel and services to a
19 foreign terrorist organization, namely, the Islamic State of
20 Iraq and al-Sham, which I will define as ISIS.

21 How do you plead to that count?

22 THE DEFENDANT: Not guilty.

23 THE COURT: Count Two charges that from at least in or
24 about September 2015 up to and including in or about May 2016
25 you, with others known and unknown did knowingly and

1 intentionally conspire to provide material support or
2 resources, including personnel, to a foreign terrorist
3 organization, namely ISIS, in violation of 18 U.S.C. section
4 2339D.

5 How do you plead to that count?

6 THE DEFENDANT: Not guilty.

7 THE COURT: Count Three charges that from at least in
8 or about September 2015 up to and about including in or about
9 May 2016 you, with others known and unknown, did knowingly and
10 intentionally provide and attempt to provide material support
11 of resources, including personnel, to a foreign terrorist
12 organization, namely ISIS, in violation of Title 18 U.S.C.
13 sections 2339(b) and 2.

14 How do you plead to this count?

15 THE DEFENDANT: Not guilty, your Honor.

16 THE COURT: Thank you very much, Mr. Raishani. Your
17 pleas of not guilty are accepted. You can be seated.

18 Counsel, thank you for being here. Is there anything
19 else that we should take up while we are all here? Counsel for
20 the United States?

21 MR. TURNER: Your Honor, we can provide the Court with
22 a brief update regarding the status of discovery, and perhaps
23 the Court would be inclined to set some dates or a schedule.
24 We produced discovery on a rolling basis following the initial
25 pretrial conference in this case, which was held on July 13th.

1 Rule 16 discovery is currently complete, your Honor. I do
2 recall at the initial pretrial conference your Honor did
3 schedule today's date as a status conference to take up
4 potentially issues of scheduling.

5 THE COURT: Counsel for Mr. Raishani, first, can I
6 hear your views regarding the government's assessment of the
7 discovery in the case. Then I would like to hear your views
8 regarding appropriate next steps.

9 MS. SHROFF: Your Honor, I'm assuming that if the
10 government says they are producing discovery on a rolling
11 basis, they are. I have no reason to doubt that. We did
12 receive a production on August 31st. Mr. Turner may correct me
13 if I'm wrong, but I think on August 31st I got an email saying
14 that a new production had been made and a copy had been sent to
15 the MCC. It is a voluminous production.

16 Ms. Baumgartel has recently just finished a trial.
17 I'm starting trial -- in fact, my trial was just moved up this
18 morning by Judge Berman -- so I have not waded my way through
19 that discovery. As I informed the government, we are simply
20 not ready at this point to set a motion schedule. I'm sure the
21 Court knows that Ms. Baumgartel and I would not drag our feet
22 for any reason.

23 Mr. Raishani still has not received the discovery at
24 the MCC in a way that he can start reviewing it. Mr. Fisher
25 from our office, who is part of the management information

1 systems and in charge of electronic discovery, is working to
2 adapt the discovery into a format whereby Mr. Raishani can
3 actually begin reviewing it.

4 We ask the Court to allow us to come back in 45 days
5 to inform you as to what motions we may or may not have in this
6 matter. It would not be prudent of us to agree to set a motion
7 schedule at this time because motions are dependent on
8 discovery. It would be ill-advised for Ms. Baumgartel and me
9 to say that we do or do not have motions without completely
10 reviewing the material.

11 I need not elaborate on the seriousness of these
12 charges. The Court is well aware that Mr. Raishani faces
13 severe penalties should he be convicted. Cases such as this
14 need time. If the Court wishes, we can also let you know in an
15 ex parte letter the other steps that our office, in order to
16 provide effective counsel, would need additional time. We are
17 happy to do that as well. But considering the nature of the
18 discovery, the volume of the discovery, the fact that our
19 client is incarcerated, that I'm starting a month-long trial on
20 United States v. Rahimi before Judge Berman, I ask you to
21 please give me the 45 days.

22 THE COURT: Counsel for the United States, what is
23 your view regarding the defendant's request?

24 MR. TURNER: Your Honor, we don't have any objection
25 to that request.

1 THE COURT: Good. I'm going to grant the defendant's
2 request. I will set a date approximately 45 days from now for
3 our next conference. At that time I would ask counsel for Mr.
4 Raishani to come prepared to tell me what motions Mr. Raishani
5 is contemplating, if any. I will then set a motion schedule, a
6 hearing schedule if necessary, and possibly a trial date.

7 Mr. Daniels, would you please propose a date.

8 THE CLERK: Monday, October 30th, at 4 p.m. in the
9 afternoon.

10 THE COURT: Counsel, does that date and time work for
11 each of you?

12 MR. TURNER: Yes, your Honor.

13 MS. SHROFF: That should be fine, your Honor. I'm
14 assuming my trial will be over.

15 THE COURT: Good. Thank you very much.

16 Does the United States have an application?

17 MR. TURNER: We do, your Honor. We would move for the
18 exclusion of time under the Speedy Trial Act between today's
19 date and the date of October 30th set by the Court for the next
20 conference. We submit that the request for exclusion would
21 serve the interests of justice because, among other reasons, it
22 will allow defendants to continue reviewing discovery produced
23 by the government and to determine what, if any, motions the
24 defense wishes to file.

25 THE COURT: What is the position of the defendant

1 regarding that application?

2 MS. SHROFF: We have no objection to the application.

3 THE COURT: I will exclude time from today until
4 October 30th. I find that the ends of justice served by
5 excluding such time outweigh the best interests of the public
6 and the defendant in a speedy trial and because it will allow
7 time for review of the discovery materials by the defendant and
8 time for the defendant to consider any motions.

9 Is there anything else that we should take up before
10 we adjourn? United States?

11 MR. TURNER: Not from the government, your Honor.

12 THE COURT: Ms. Shroff?

13 MS. SHROFF: No, your Honor.

14 THE COURT: Thank you very much. This proceeding is
15 adjourned.

16 (Adjourned)

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